

COUNCIL COMING ATTRACTIONS





Week of July 22, 2019

Community-Police Relations, Accessory Apartments, Landscape Contractors, Foster Care, Purple Line Coalition Draft Housing Plan, Arts and Humanities, Transportation Services Improvement Fund, Non-Merit Salary Schedule, Property Tax Credit for Elderly and Retired Military, Reuse Analysis

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

-  The Council will meet on Tuesday, July 23 at 9:30 a.m.
-  Councilmember Hans Riemer will present a proclamation recognizing Michael Bobbitt, artistic director at Adventure Theatre MTC.

Useful Information Week of July 22, 2019

COUNCIL

Zoning Text Amendment (ZTA) 19-01, Accessory Residential Uses - Accessory Apartments

On July 23 at 9:30 a.m. the Council is scheduled to vote on ZTA 19-01, which would liberalize the standards for allowing an accessory apartment, with the goal of increasing the supply of affordable housing in the County. Councilmember Hans Riemer is the lead sponsor. ZTA 19-01 would do the following:

- 1) allow detached Accessory Dwelling Units (ADU) as a limited use in R-200, R-90, and R-60 zones (within Residential zones; detached ADUs are currently only allowed as a limited use in RE-1, RE-2, and RE-2C zones);
- 2) require two off-street parking spaces (three spaces are currently required if two off-street parking spaces are required for the principal dwelling);
- 3) allow an ADU in a basement (accessory apartments are currently allowed in a cellar);
- 4) change the size of an ADU from 50 percent of gross floor area to 50 percent of habitable floor area;

- 5) delete the absolute maximum size of an ADU (the absolute maximum size is currently 1,200 square feet);
- 6) delete the maximum size of an addition that can be used as an ADU (currently limited to 800 square feet);
- 7) delete the requirement that the unit must be in a structure that is at least five years old;
- 8) delete the distance requirement between ADUs (currently 500 feet in large lot zones and 300 feet in smaller lot zones);
- 9) allow an accessory structure built before May 31, 2012 to be used as an ADU without regard to setbacks;
- 10) specifically require the owner of the site of the ADU to live on the site (this is consistent with licensing requirements);
- 11) allow a separate entrance for an attached ADU to be on any side of the dwelling; and
- 12) delete the requirement that a detached ADU be on a lot at least one acre in size.

In its report to the Council, the Montgomery County Planning Board and Planning staff agreed with the sponsor of ZTA 19-01 in recognizing the importance of increasing the supply of ADUs in the County, while also working to minimize any negative impacts on residential neighborhoods. The Planning Board recommended two modifications; the second recommendation was also recommended by Planning staff:

- 1) Create a simplified process that objectively accounts for the ability to park along a street, based on minimum street widths or minimum frontage widths; and
- 2) Limit the provision to allow any structure existing before May 31, 2012 to be used as an accessory apartment without regard to setbacks to those buildings that were legally constructed.

The Planning, Housing and Economic Development (PHED) Committee recommends approval with the following amendments:

- 1) Revise the maximum gross floor area for an Accessory Apartment (hereafter referred to as an ADU (Accessory Dwelling Unit):
 - a) For attached ADUs, 1,200 square feet of gross floor area; however, if the footprint of the principal structure is greater than 1,200 square feet, an ADU may occupy the basement or cellar of that structure without a square footage limit.
 - b) For detached ADUs, the maximum gross floor area must be the least of:
 - i) 50 percent of the gross floor area in the principal dwelling;
 - ii) ten percent of the lot area; or
 - iii) 1,200 square feet of gross floor area.
- 2) Retain the current code on-site parking requirement for ADUs located more than one mile away from any Metrorail or Purple Line Station. Within one mile of such stations or within the boundaries of the City of Takoma Park, delete the additional on-site parking requirement for an ADU.
- 3) Retain the current code prohibition for a newly-constructed ADU entrance on the front (street) side of a dwelling.
- 4) Allow an ADU up to 32-feet long without additional setbacks.
- 5) Allow an accessory structure built before May 31, 2012 to be used as an ADU without regard to setbacks, if it was legally constructed and there is no increase to the footprint or height of the structure. If it is a structure that does not meet current setbacks, a new window on any wall on the side of any setback violation may not be constructed.
- 6) Clarify the prohibition on any other rentals on a property where an ADU is licensed.
- 7) Delete the ownership requirement in ZTA 19-01. (Revise the ownership requirement in the licensing requirements under a Bill to allow the required on-site owner to live either in the ADU or the principal dwelling unit.)

In its review of ZTA 19-01, the Council largely agreed with the recommendations of the PHED Committee, with the following changes:

- 1) Limit the size of a new detached unit to the lesser of “50 percent of the footprint of the principle dwelling; 10 percent of the lot area; or 1,200 square feet of gross floor area,” instead of 50 percent of the gross floor area of the principle dwelling; and
- 2) In addition to changing the parking standards within one mile and outside one mile of Metrorail and Purple Line stations and within the City of Takoma Park, change the parking in an identical manner for MARC rail stations.

The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190723/20190723_3A.pdf

Key search terms for ZTA 19-01 on the Council’s website include: in-law suite, cottage, basement apartment, accessory apartments and accessory dwellings. #MoCoTinyHouse is being used for this item on social media.

Zoning Text Amendment (ZTA) 19-05, Industrial Zones - Landscape Contractors

The Council is scheduled to vote on ZTA 19-05, which would allow landscape contractors as a permitted use in all industrial zones. Councilmember Tom Hucker and Council Vice President Sidney Katz are the lead sponsors. Councilmember Will Jawando and Council President Nancy Navarro are cosponsors. The PHED Committee recommends enactment with one amendment, which is on page one of the Council staff report:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190723/20190723_3B.pdf

Strategies for Community-Police Relations

Acting Police Chief Marcus Jones will brief the Council on police training and de-escalation practices that are intended to keep community members safe and policies and procedures related to community-police relations. On July 9 Council President Nancy Navarro and Council Vice President and Public Safety Committee Chair Sidney Katz sent a memorandum to the Montgomery County Police Department (MCPD) requesting a public session with Acting Police Chief Jones to address the Council’s concerns about incidences of police misconduct, and to discuss MCPD’s community engagement efforts and policing activities focused on building community trust in light of these occurrences. Assistant Chief (AC) David Anderson; Acting AC Dinesh Patil; AC Paul Liquorie; Captain Sonia Pruitt, Community Engagement Division; and Captain Jason Cokinos, Training Academy, are also expected to attend. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190723/20190723_5.pdf

COMMITTEES

Foster Care

On July 22 at 9:30 a.m. the Health and Human Services (HHS) Committee will receive a briefing on foster care in the County’s Child Welfare Services. Key topics to be discussed include children in out-of-home care, demographics represented in the foster care population, young people transitioning from foster care and recruiting and support for foster parents. Raymond Crowell, director of the Department of Health and Human Services (DHHS); Oscar Mensah, social services officer and deputy chief of Children, Youth and Family Services at DHHS; Lisa Merkin, administrator of Child Welfare Services at DHHS; and Mykelle Richburg, Council summer fellow, are expected to attend. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190722/20190722_HHS1.pdf

Purple Line Coalition Draft Housing Plan

On July 22 at 9:30 a.m. the PHED Committee will receive an update on the progress being made to develop a housing action plan for the Purple Line corridor. Chris Gillis, director of policy and neighborhood development with Montgomery Housing Partnership, and Melissa Bondi, mid-Atlantic state and local

policy director for Enterprise Community Partners, will provide the briefing on behalf of the Purple Line Corridor Coalition (PLCC). Stephanie Killian, chief of housing with the Department of Housing and Community Affairs, and Lisa Govoni, housing planner with Montgomery County Planning, are also expected to attend and will respond to questions. The PLCC is a public-private community collaboration that is focused on the impacts of changes that will occur along the entire Purple Line Corridor, which runs from Bethesda to New Carrollton. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190722/20190722_PHED1.pdf

Arts and Humanities

On July 22 at 2 p.m. the Education and Culture (E&C) Committee will review the activities of the Arts and Humanities Council (AHCMC). Topics to be discussed include AHCMC's funding history and requests for grants based on demand, equity initiatives, the Executive Arts Ball, funding in the Public Arts Trust, and Montgomery County Public Schools programs including the Fine Arts program. Suzan Jenkins, CEO of AHCMC; Deborah Lambert, management and budget analyst for the Office of Management and Budget; Fariba Kassiri, deputy chief administrative officer and Sonetta Neuville of the Office of the County Executive are among those expected to attend. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190722/20190722_EC1.pdf

Supplemental Appropriation to the FY20 Operating Budget DOT, \$50,000 for the Jewish Council for the Misler Adult Day Care Center; and Resolution to amend the FY20 Operating Budget Resolution 19-128, Section G, Designation of Entities for Non-Competitive Contract Award Status: Jewish Council for Aging of Greater Washington, Inc.

On July 25 at 2 p.m. the Transportation and Environment (T&E) Committee will review a supplemental appropriation of \$50,000 to the County's Fiscal Year 2020 (FY20) Operating Budget for the Aging Misler Adult Day Care Center. This one-time grant for the Jewish Council for the Aging (JCA) Misler Adult Day Care Center will partially fund the Elderbus transportation service. This increase is needed to provide support to JCA to provide transportation services to disabled and vulnerable seniors within the County. The source of funds is the Transportation Services Improvement Fund. The Council staff report will be available on July 23.

Supplemental Appropriations and Amendments to the FY20 Capital Budget and FY19-24 CIP, \$3,000,000 for Bus Rapid Transit: MD 355 and \$1,000,000 for Bus Rapid Transit: Veirs Mill Corridor

The T&E Committee will review supplemental appropriations and amendments to the County's FY20 Capital Budget and FY19-24 CIP of three million dollars for Bus Rapid Transit (BRT) along MD 355 and one million dollars for BRT along the Veirs Mill corridor. On June 20, the County Executive transmitted these two supplemental appropriation requests and CIP amendments that, in each case, would fund preliminary engineering work beginning in FY20. MD 355 and the Veirs Mill corridor are two of the four FLASH Bus Rapid Transit systems currently being planned or constructed in the County. For more information, visit: <https://www.ridetheflash.com/>. The Council staff report will be available on July 23.

Executive Regulation 11-19, Transportation Services Improvement Fund

The T&E Committee will close out its meeting with a review of Executive Regulation 11-19, Transportation Services Improvement Fund. This regulation establishes the procedures for disbursing monies from the Transportation Services Improvement Fund, which was created to improve the delivery of accessible transportation services in the County and transportation for eligible senior citizens and persons of limited income. It is funded by a charge placed on ride-sharing services such as Uber and Lyft. The Council staff report will be available on July 23.

Non-Merit Salary Schedule

On July 25 at 2 p.m. the Government Operations and Fiscal Policy (GO) Committee will review the non-merit salary schedule. Non-merit employees can be hired outside of the merit system without open

advertising and competitive evaluation. Non-merit employees are currently eligible for the same retirement benefits and group insurance benefits. The County Executive must propose a salary schedule for department heads, principal offices and other non-merit employees. In November 2015, the Office of Legislative Oversight (OLO) issued Report 2016-1, which compiled data on high-level manager salaries. The OLO report found that among 20 local government and two federal classifications, the County had the third highest average salary for director positions at \$206,685. The Council staff report will be available on July 23.

Expedited Bill 21-19, Property Tax Credit - Elderly Individuals and Retired Military Services Member - Surviving Spouse

The GO Committee also will review Expedited Bill 21-19, which would expand the property tax credit for surviving spouses of retired military services members. Councilmember Craig Rice and Council Vice President Sidney Katz are the lead sponsors. Council President Nancy Navarro is a cosponsor. The goal of this bill is to implement changes to the state enabling law made during the 2019 General Assembly session. This property tax credit is worth 20 percent on County property taxes for owner-occupied dwellings that meet eligibility requirements. The Council staff report will be available on July 23.

Key search terms for this legislation on the Council's website include the following: tax credit, surviving spouses, property tax credit, elderly individuals and retired military service members. #SurvivingSpousesTaxCredit is being used for this bill on social media.

Bill 13-19, County Property - Disposition - Reuse Analysis

The GO Committee will close out its meeting with a review of Bill 13-19, which would modify the procedures for the disposition of County property and require the Executive to submit a reuse analysis to the County. Councilmember Gabe Albornoz is the lead sponsor. All other Councilmembers are cosponsors. The goal of this bill is to bring greater transparency and accountability to the property disposition process; give the Council information on how the reuse analysis was performed; and to allow the Council to see which County departments or outside agencies have expressed interest in potential surplus property and for what purpose. The Council staff report will be available on July 23.

Key search terms for this legislation on the Council's website include: disposition of property, County properties and County facilities. #MoCoProperties is being used for this bill on social media.